IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:10-CV-352-D

MATT GRAVES,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
WAKE COUNTY SOUTH)	
WILMINGTON STREET CENTER,)	
)	
Defendant.)	

On October 18, 2010, Magistrate Judge Daniel issued a Memorandum and Recommendation ("M&R"). In that M&R, Judge Daniel recommended that plaintiff's application to proceed in forma pauperis be granted and that plaintiff's complaint be dismissed as frivolous. No party filed objections to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Id.</u> (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Plaintiff's application to proceed in forma pauperis is GRANTED, and plaintiff's complaint is DISMISSED as frivolous. The clerk is directed to close the case.

SO ORDERED. This 7 day of March 2011.

JAMES C. DEVER III

United States District Judge